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ASSISTANT SECRETARY OF DEFENSE

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Civilian Personnel Manual
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DEPARTMENT OF DEFENSE
CIVILIAN PERSONNEL MANUAL (CPM)
CPM BASIC INSTALLMENT NO. 2

CPM Chapter 301, Subchapter 4, is issued herewith.

1. Add new pages as indicated below immediately following Subchapter 3, FPM Chapter 301.

<u>CPM Identification</u>	<u>Insert Pages</u>	<u>Explanation of Changes</u>
301.4	i, 1 through 4, & Appendix A	Establishes DoD guidance on rotation of employees from foreign areas.

2. File this Installment Sheet immediately preceding CPM Chapter 272.

Richard Danzig
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Acting Assistant Secretary of Defense
(Manpower, Reserve Affairs, and Logistics)

Attachments

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CPM CHAPTER 301

OVERSEAS EMPLOYMENT

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SUBCHAPTER 4. ROTATION OF EMPLOYEES FROM FOREIGN AREAS

4-1. GENERAL

a. Purpose. This chapter presents detailed policies and procedures concerning the rotation of DoD employees from foreign areas.

b. Applicability and Scope. The provisions of this chapter apply to the Office of the Secretary of Defense, the Military Departments, and the Defense Agencies (hereafter called "DoD Components"). Its provisions encompass DoD positions in the competitive civil service in foreign areas.

4-2. POLICY AND PROCEDURES

a. Limitation on Foreign Employment

(1) It is the policy of the Department of Defense to limit civilian employment in foreign areas to 5 years, with the following exceptions:

(a) Personnel in positions at the GS-6 level or below (does not apply in Panama);

(b) Personnel in nonsupervisory wage grade positions (does not apply in Panama);

(c) Personnel in positions that require frequent contact with officials of the host nation and a detailed current knowledge of the culture, mores, laws, customs, or government processes of the host nation, which usually cannot be acquired outside the host nation. A position shall not be placed in this category unless the position description clearly specifies that the above duties and special knowledges are required;

(d) Personnel with the status of dependents accompanying military or civilian personnel of the DoD Components who are stationed in the area. (For this purpose, dependents are defined as the spouse and unmarried children, stepchildren, adopted children, and those under legal guardianship of the spouse or sponsor who have not reached their 23rd birthday.);

(e) Personnel in the Senior Executive Service.

(2) Personnel whose status is changed from the five exceptions listed above; that is, an employee who is promoted to GS-7 level or above, will, after 1 additional year of service, beginning with the date of promotion, become subject to the 5-year limitation on foreign employment. All immediately preceding employment with the Department of Defense in a civilian, appropriated fund capacity shall then be included in computing the 5-year period.

(3) Prior service or residence in foreign areas, except service in a civilian, appropriated fund capacity with the Department of Defense, shall not be a factor in computing the 5-year period.

(4) Extensions beyond 5 years may be granted by the DoD Component concerned on an individual case basis and for a specified period, normally not to exceed 1 year when:

(a) A suitable replacement has not been located and time is required to train a replacement;

(b) Special personal circumstances, such as imminent retirement, make it inadvisable to require the employee to return; or

(c) Special work circumstances make it desirable that the employee be retained for an additional period.

(5) A DoD Component may delegate to its major commands the authority to grant extensions for personnel of that command.

b. Employees with Return Rights

(1) Employees with return rights under policies established under 10 U.S.C. 1586 (reference (a)) or DoD Instruction 1400.6 (reference (b)) must exercise them within 5 years, unless an extension is approved.

(2) When return rights are across DoD Component lines, the using Component may retain the employee for 5 years. If an extension beyond 5 years is approved, return rights shall be forfeited and placement will be effected through the DoD Priority Placement Program (DoD 1400.20-1-M (reference (c))), unless the original Component agrees to continue the employee's return rights during the period the employee remains employed in the foreign area.

(3) When a foreign area employee transfers to another DoD Component, return rights previously granted will continue for the duration of the 5-year period. If an extension beyond 5 years is approved, return rights shall be forfeited and placement will be effected through the DoD Priority Placement Program (DoD 1400.20-1-M (reference (c))), unless the original Component agrees to continue the employee's return rights during the period the employee remains employed in the foreign area.

(4) Employees are entitled to placement assistance in returning to an appropriate position in the United States through the DoD Priority Placement Program (DoD 1400.20-1-M (reference (c))). This includes employees whose:

(a) Position to which they have return rights has been or is scheduled to be abolished and whose return would initiate a reduction in force; or

(b) Exercise of return rights would result in a reduction from current grade level.

(5) Employees in positions not subject to the 5-year limitation on foreign employment may, with prior Component approval, elect to forfeit their return rights after 5 years and remain in a foreign area indefinitely.

c. Employees Hired on or Converted to Career or Career-Conditional Appointments Without Return Rights

(1) Except for employees who are in positions not subject to the 5-year limitation, the policy of return from foreign areas in 5 years shall be followed for career or career-conditional employees hired in the United States or in a foreign area for service in a foreign area, unless an extension for a specified additional period is approved in accordance with 4-2.a.(4), above.

(2) Since such employees do not have return rights, they shall be required to sign an agreement as a condition of employment specifying that they will accept reassignment in any appropriate position in the United States when offered or they may be subject to separation.

d. Employees Hired on Overseas Limited Appointments

(1) Except as specified in paragraph (2), below, the policy of limiting foreign employment to 5 years with the Department of Defense shall apply to employees hired on overseas limited appointments. Such employees shall be given a term appointment not to exceed 5 years. Unless an extension for a specified additional period is approved in accordance with paragraph 4-2.a.(4), above, these employees shall be terminated at the conclusion of the 5-year period.

(2) Employees in positions not subject to the 5-year limitation may be given overseas limited appointments of indefinite tenure.

e. Employees in Foreign Areas Who Are Not Serving Under a Return Agreement

(1) Employees who were employed in a foreign area on April 1, 1966, and who are not serving under an agreement providing for their return to the United States shall not be required to return against their wishes. Such employees shall be given positive assistance in returning to positions in the United States.

(2) If otherwise eligible and acceptable, no arbitrary restrictions based solely on length of service in foreign areas may be placed on the transfer between DoD Components in foreign areas of employees in this category.

(3) Employees described in paragraph 4-2.e.(1), above, who are displaced and are subsequently placed at another foreign location through the DoD Priority Placement Program shall be required to register in the DoD Priority Placement Program for placement in the United States after serving one tour of duty in the new foreign area. Such employees shall be required to accept an equivalent assignment when offered through the DoD Priority Placement Program or be separated.

f. Service in the United States Between Foreign Tours

(1) Employees who have returned to the United States following service in a foreign area shall be considered eligible for further employment in foreign areas under the following conditions:

(a) They have completed 2 years of residence in the United States or its territories or possessions since their last foreign area assignment; or

(b) If no intervening 2-year period, the combined total of their prior foreign area service, and the proposed foreign area assignment does not exceed 5 years.

(2) DoD Components may grant exceptions to paragraph 4-2.f.(1), above, on an individual case basis to permit the assignment of an employee to a hard-to-fill category position, when the application of the limitation would have an adverse impact on the accomplishment of the mission of the employing DoD Component.

APPENDIX A.

REFERENCES

- (a) Title 10, United States Code, Section 1586
- (b) DoD Instruction 1400.6, "DoD Civilian Employees in Overseas Areas,"
February 15, 1980
- (c) DoD 1400.20-1-M, "DoD Program for Stability of Civilian Employment
Policies, Procedures, and Programs Manual", December 1971, authorized
by DoD Directive 1400.20, August 3, 1971